

**From:** Tom Price  
**To:** Microsoft ATR  
**Date:** 1/23/02 1:52pm  
**Subject:** Microsoft Settlement

The proposed settlement with Microsoft is NOT in the public interest. Rather, it seems to be a blatant attempt to create an even larger Microsoft monopoly.

Several suggestions:

1. While I support Gate's "freedom to innovate", I've also seen a number of good companies constrained from doing just that because vital information like application program interfaces (APIs) was simply withheld by Microsoft.

Microsoft should be required provide this information free, upon request, to anyone who wants it. And, there should be independent monitoring. Microsoft has demonstrated time and again that they cannot be trusted to do the right thing. If it can be demonstrated that they have developed separately-sold applications that utilize these so-called secret APIs, there should be substantial penalties, including release of the Windows source code.

To do anything less, is to hand them a government-endorsed monopoly on whatever software they choose to produce (now or in the future).

2. Make it possible to buy a computer without an operating system and without compensating Microsoft. Why should Microsoft profit if I plan to install Linux or freeBSD?

3. The services portion of the business (MSN, Microsoft consulting, Hotmail and future "dot Net" services) should be spun off. Leaving them as part of Microsoft as we know it is particularly dangerous to the consumer. Consumer purchase of these services (and exclusion of others) might be dictated by future releases of the OS.

4. Microsoft should be required to provide unbundled releases of their OS.

5. More technical people and fewer lawyers need to be involved in the wording of this document. It is not sufficiently broad to cover future advances in the technology.

6. ALL future acquisitions, expansions of business, price increases, and changes to licensing terms should be reviewed by DOJ to determine whether they are in the public interest.

I hope that SOMETHING can be done and that this agreement as it current stands will NOT be ratified.

Thank you for the opportunity to comment.

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